IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA STATESBORO DIVISION

TRAVIS MORGAN.

Plaintiff,

v. : CIVIL ACTION NO.: CV614-056

STANLEY WILLIAMS and SUSAN HUTCHINSON,

Defendants.

ORDER and MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Presently before the Court is Plaintiff's Amended Complaint. In this pleading, Plaintiff sets forth a nearly verbatim account of the claims set forth in his original Complaint. Plaintiff does not set forth any new constitutional violations against the remaining Defendants, Williams and Hutchinson. Plaintiff attempts to revive his claims against Doctor Jeffries. However, Plaintiff's Amended Complaint does not reveal that Doctor Jeffries was deliberately indifferent to Plaintiff's serious medical needs. To the extent Plaintiff's Amended Complaint is a Motion to Amend, his Motion is **GRANTED** as to Defendants Williams and Hutchinson and **DENIED** as to Doctor Jeffries.

Plaintiff also clarifies that he is suing the named Defendants in their official and individual capacities. A lawsuit against a correctional officer in his official capacity is no different from a suit against the government itself; such a defendant is immune. Smith v. Fla. Dep't of Corr., 318 F. App'x 726, 728 (11th Cir. 2008) (citing Powell v. Barrett,

496 F.3d 1288, 1308 & n.27 (11th Cir. 2007)). Plaintiff's monetary damages claims against Defendants Williams and Hutchinson in their official capacities should be dismissed.

The Clerk of Court is directed to serve a copy of Plaintiff's Amended Complaint and a copy of this Order and Report and Recommendation upon Susan L. Rutherford with the Georgia Department of Law.

MES E. GRAHAM

UNITED STATES MAGISTRATE JUDGE